

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: )  
 ) Case No. 10-75379  
Rufus C Ashworth )  
 ) Chapter 7  
Carole D. Ashworth )  
 )  
Debtor(s) )

\*\*\*\*\*  
**DEBTOR(S) FIRST AMENDMENT TO CHAPTER 7 BANKRUPTCY**  
\*\*\*\*\*

COMES NOW Rufus C. Ashworth and Carole D. Ashworth, Debtor(s), by and through  
counsel and make this First Amendment to the Chapter 7 Schedules as follows:

1.

To amend Schedule B by showing the corrected amount for the IRA account; please see  
Amended Schedule B.

2.

To amend Schedule C by showing the corrected IRA exemption; please see Amended  
Schedule C.

3.

To amend Schedule J and Business Income and Expenses to reflect corrections in the  
expenses; please see Amended Schedule J and Business Income and Expenses.

4.

To amend Summary of Schedules and Statistical Summary in accordance with the above-  
listed Schedule(s); please see Amended Summary of Schedules and Amended Statistical Summary.

This 8<sup>th</sup> day of July 2010.

*/s/ Evan M. Altman*  
Evan M. Altman  
Georgia Bar No. 014066  
Attorney for Debtor

Northridge 400; Building 2  
8325 Dunwoody Place

B6B (Official Form 6B) (12/07)

IN RE **Ashworth, Rufus C & Ashworth, Carole D.**

Case No. **10-75379**

Debtor(s)

(If known)

**AMENDED SCHEDULE B - PERSONAL PROPERTY**

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether the husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

**Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.**

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007(m).

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT, OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand.	X			
2. Checking, savings or other financial accounts, certificates of deposit or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		checking account - Charles Schwab Bank	J	24.00
		checking account - Suntrust Bank	J	1,200.00
		checking account - Wachovia Bank	J	20.00
		checking account - Wachovia Bank	W	60.00
		savings account - Ing Bank	J	28.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, include audio, video, and computer equipment.		Various household items: video camera, lawn mower, golf clubs, tvs, living room furniture, bedroom(s) furniture, patio furniture, dining room furniture	J	2,000.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	X			
6. Wearing apparel.		Clothing	J	600.00
7. Furs and jewelry.	X			
8. Firearms and sports, photographic, and other hobby equipment.	X			
9. Interest in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issue.		IRA Accounts - Equitable exempt per Patterson v. Shumate	J	48,000.00
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.	X			
13. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
14. Interests in partnerships or joint ventures. Itemize.	X			

B6B (Official Form 6B) (12/07) - Cont.

IN RE **Ashworth, Rufus C & Ashworth, Carole D.**

Case No. **10-75379**

Debtor(s)

(If known)

**AMENDED SCHEDULE B - PERSONAL PROPERTY**  
**(Continuation Sheet)**

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	H U S E A N D W I F E J O I N T O R C O M M U N I T Y	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
15. Government and corporate bonds and other negotiable and non-negotiable instruments.	<b>X</b>			
16. Accounts receivable.	<b>X</b>			
17. Alimony, maintenance, support, and property settlements in which the debtor is or may be entitled. Give particulars.	<b>X</b>			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.	<b>X</b>			
19. Equitable or future interest, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	<b>X</b>			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	<b>X</b>			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	<b>X</b>			
22. Patents, copyrights, and other intellectual property. Give particulars.	<b>X</b>			
23. Licenses, franchises, and other general intangibles. Give particulars.	<b>X</b>			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	<b>X</b>			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		<b>2003 Cadillac automobile</b>	<b>J</b>	<b>4,000.00</b>
26. Boats, motors, and accessories.	<b>X</b>			
27. Aircraft and accessories.	<b>X</b>			
28. Office equipment, furnishings, and supplies.	<b>X</b>			
29. Machinery, fixtures, equipment, and supplies used in business.	<b>X</b>			
30. Inventory.	<b>X</b>			
31. Animals.	<b>X</b>			
32. Crops - growing or harvested. Give particulars.	<b>X</b>			
33. Farming equipment and implements.	<b>X</b>			
34. Farm supplies, chemicals, and feed.	<b>X</b>			

B6B (Official Form 6B) (12/07) - Cont.

IN RE Ashworth, Rufus C & Ashworth, Carole D.

Debtor(s)

Case No. 10-75379

(If known)

**AMENDED SCHEDULE B - PERSONAL PROPERTY**  
**(Continuation Sheet)**

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT, OR COMMUNITY	CURRENT VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
35. Other personal property of any kind not already listed. Itemize.	<b>X</b>			
<b>TOTAL</b>				<b>55,932.00</b>

0 continuation sheets attached

(Include amounts from any continuation sheets attached.  
Report total also on Summary of Schedules.)

B6C (Official Form 6C) (04/10)

IN RE **Ashworth, Rufus C & Ashworth, Carole D.**

Case No. **10-75379**

Debtor(s)

(If known)

**AMENDED SCHEDULE C - PROPERTY CLAIMED AS EXEMPT**

Debtor elects the exemptions to which debtor is entitled under:  
(Check one box)

☐ Check if debtor claims a homestead exemption that exceeds \$146,450. \*

- ☐ 11 U.S.C. § 522(b)(2)  
☒ 11 U.S.C. § 522(b)(3)

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTIONS
<b><u>SCHEDULE B - PERSONAL PROPERTY</u></b>			
checking account - Charles Schwab Bank	OCGA §44-13-100(a)(6)	24.00	24.00
checking account - Suntrust Bank	OCGA §44-13-100(a)(6)	1,200.00	1,200.00
checking account - Wachovia Bank	OCGA §44-13-100(a)(6)	20.00	20.00
checking account - Wachovia Bank	OCGA §44-13-100(a)(6)	60.00	60.00
savings account - Ing Bank	OCGA §44-13-100(a)(6)	28.00	28.00
Various household items: video camera, lawn mower, golf clubs, tvs, living room furniture, bedroom(s) furniture, patio furniture, dining room furniture	OCGA §44-13-100(a)(4)	2,000.00	2,000.00
Clothing	OCGA §44-13-100(a)(9)	600.00	600.00
IRA Accounts - Equitable exempt per Patterson v. Shumate	OCGA §44-13-100(a)(2)(F)	48,000.00	48,000.00
2003 Cadillac automobile	OCGA §44-13-100(a)(3)	4,000.00	4,000.00

\* Amount subject to adjustment on 4/1/13 and every three years thereafter with respect to cases commenced on or after the date of adjustment.

B6J (Official Form 6J) (12/07)

IN RE **Ashworth, Rufus C & Ashworth, Carole D.**Case No. **10-75379**

Debtor(s)

(If known)

**AMENDED SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)**

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made biweekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)	\$ <b>2,947.00</b>
a. Are real estate taxes included? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
b. Is property insurance included? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
2. Utilities:	
a. Electricity and heating fuel	\$ <b>450.00</b>
b. Water and sewer	\$ <b>60.00</b>
c. Telephone	\$ <b>155.00</b>
d. Other <b>Cable And Internet</b>	\$ <b>115.00</b>
3. Home maintenance (repairs and upkeep)	\$ <b>500.00</b>
4. Food	\$ <b>600.00</b>
5. Clothing	\$ <b>300.00</b>
6. Laundry and dry cleaning	\$ <b>250.00</b>
7. Medical and dental expenses	\$ <b>150.00</b>
8. Transportation (not including car payments)	\$ <b>250.00</b>
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$
10. Charitable contributions	\$
11. Insurance (not deducted from wages or included in home mortgage payments)	
a. Homeowner's or renter's	\$ <b>120.00</b>
b. Life	\$ <b>300.00</b>
c. Health	\$ <b>350.00</b>
d. Auto	\$ <b>150.00</b>
e. Other	\$
12. Taxes (not deducted from wages or included in home mortgage payments)	
(Specify) <b>Property Tax (8486 Per Year)</b>	\$ <b>707.00</b>
13. Installment payments: (in chapter 11, 12 and 13 cases, do not list payments to be included in the plan)	
a. Auto	\$
b. Other	\$
14. Alimony, maintenance, and support paid to others	\$
15. Payments for support of additional dependents not living at your home	\$
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$ <b>2,200.00</b>
17. Other <b>Misc: Auto Repair/Tires, Newspaper, Neighbd Assoc</b>	\$ <b>150.00</b>
<b>Security, Firewood, Pets Account Fees</b>	\$ <b>150.00</b>
<b>Home Insurance</b>	\$ <b>171.00</b>

**18. AVERAGE MONTHLY EXPENSES** (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.

\$ <b>10,075.00</b>
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19. Describe any increase or decrease in expenditures anticipated to occur within the year following the filing of this document:

**None**

**20. STATEMENT OF MONTHLY NET INCOME**

a. Average monthly income from Line 15 of Schedule I	\$ <b>5,674.33</b>
b. Average monthly expenses from Line 18 above	\$ <b>10,075.00</b>
c. Monthly net income (a. minus b.)	\$ <b>-4,400.67</b>

United States Bankruptcy Court  
Northern District of Georgia

IN RE:

Case No. 10-75379

Ashworth, Rufus C & Ashworth, Carole D.

Chapter 7

Debtor(s)

**AMENDED BUSINESS INCOME AND EXPENSES**

**FINANCIAL REVIEW OF THE DEBTOR'S BUSINESS** (Note: ONLY INCLUDE information directly related to the business operation.)

**PART A - GROSS BUSINESS INCOME FOR THE PREVIOUS 12 MONTHS:**

1. Gross Income For 12 Months Prior to Filing: \$ \_\_\_\_\_

**PART B - ESTIMATED AVERAGE FUTURE GROSS MONTHLY INCOME:**

2. Gross Monthly Income: \$ 2,500.00

**PART C - ESTIMATED FUTURE MONTHLY EXPENSES:**

3. Net Employee Payroll (Other Than Debtor)	\$ _____
4. Payroll Taxes	\$ _____
5. Unemployment Taxes	\$ _____
6. Worker's Compensation	\$ _____
7. Other Taxes	\$ _____
8. Inventory Purchases (Including raw materials)	\$ _____
9. Purchase of Feed/Fertilizer/Seed/Spray	\$ _____
10. Rent (Other than debtor's principal residence)	\$ <u>500.00</u>
11. Utilities	\$ <u>125.00</u>
12. Office Expenses and Supplies	\$ <u>50.00</u>
13. Repairs and Maintenance	\$ _____
14. Vehicle Expenses	\$ <u>695.00</u>
15. Travel and Entertainment	\$ _____
16. Equipment Rental and Leases	\$ _____
17. Legal/Accounting/Other Professional Fees	\$ <u>130.00</u>
18. Insurance	\$ _____
19. Employee Benefits (e.g., pension, medical, etc.)	\$ _____
20. Payments to be Made Directly by Debtor to Secured Creditors for Pre-Petition Business Debts (Specify):	\$ _____

21. Other (Specify): Marketing 700.00 \$ 700.00

22. Total Monthly Expenses (Add items 3-21) \$ 2,200.00

**PART D - ESTIMATED AVERAGE NET MONTHLY INCOME**

23. **AVERAGE NET MONTHLY INCOME** (Subtract Item 22 from Item 2) \$ 300.00

B6 Summary (Form 6 - Summary) (12/07)

United States Bankruptcy Court  
Northern District of Georgia

IN RE:

Case No. **10-75379**

**Ashworth, Rufus C & Ashworth, Carole D.**

Chapter **7**

Debtor(s)

**AMENDED SUMMARY OF SCHEDULES**

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors also must complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NUMBER OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	\$ 705,000.00		
B - Personal Property	Yes	3	\$ 55,932.00		
C - Property Claimed as Exempt	Yes	1			
D - Creditors Holding Secured Claims	Yes	1		\$ 837,800.00	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	Yes	1		\$ 0.00	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	3		\$ 176,395.00	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	1			
I - Current Income of Individual Debtor(s)	Yes	1			\$ 5,674.33
J - Current Expenditures of Individual Debtor(s)	Yes	1			\$ 10,075.00
TOTAL		14	\$ 760,932.00	\$ 1,014,195.00	



Form 6 - Statistical Summary (12/07)

**United States Bankruptcy Court  
Northern District of Georgia**

**IN RE:**Case No. **10-75379****Ashworth, Rufus C & Ashworth, Carole D.**Chapter **7**

Debtor(s)

**AMENDED STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)**

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C. § 101(8)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

☐ Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

**This information is for statistical purposes only under 28 U.S.C. § 159.**

**Summarize the following types of liabilities, as reported in the Schedules, and total them.**

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	\$ <b>0.00</b>
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	\$ <b>0.00</b>
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed)	\$ <b>0.00</b>
Student Loan Obligations (from Schedule F)	\$ <b>0.00</b>
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E	\$ <b>0.00</b>
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	\$ <b>0.00</b>
<b>TOTAL</b>	\$ <b>0.00</b>

**State the following:**

Average Income (from Schedule I, Line 16)	\$ <b>5,674.33</b>
Average Expenses (from Schedule J, Line 18)	\$ <b>10,075.00</b>
Current Monthly Income (from Form 22A Line 12; <b>OR</b> , Form 22B Line 11; <b>OR</b> , Form 22C Line 20 )	\$ <b>4,144.33</b>

**State the following:**

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column		\$ <b>132,800.00</b>
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column.	\$ <b>0.00</b>	
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column		\$ <b>0.00</b>
4. Total from Schedule F		\$ <b>176,395.00</b>
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)		\$ <b>309,195.00</b>

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE:	)	
	)	Case No. 10-75379
Rufus C Ashworth	)	
	)	Chapter 7
Carole D. Ashworth	)	
	)	
Debtor(s)	)	

**VERIFICATION**

STATE OF GEORGIA

COUNTY OF FULTON

Personally appeared before the undersigned officer duly authorized to administer oaths, the Deponent, who after being duly sworn, states that the facts contained in the foregoing document are true and correct to the best of deponents personal knowledge and belief.

*/s/ Rufus C. Ashworth*  
Rufus C. Ashworth, Debtor

*/s/ Carole D. Ashworth*  
Carole D. Ashworth, Joint Debtor

Sworn to and subscribed  
before this 8<sup>th</sup> day of July 2010.

*/s/ Evan M. Altman*  
Notary Public

My Commission Expires:  
12/15/2012  
/s/ Evan M. Altman

CERTIFICATE OF SERVICE

This is to certify that I have on this day served a true and correct copy of the foregoing Debtor's First Amended Chapter 7 Schedules, by depositing the same in the United States Mail with sufficient postage affixed thereon to ensure delivery to the following parties listed below:

Kyle A. Cooper  
Suite 104  
615 Colonial Park Drive  
Roswell, GA 30075

This 8<sup>th</sup> day of July 2010.

*/s/ Evan M. Altman*  
Evan M. Altman  
Georgia Bar No. 014066  
Attorney for Debtor

Northridge 400; Building 2  
8325 Dunwoody Place  
Atlanta, Georgia 30350  
(770) 394-6466

American Express  
P.O. Box 297812  
Ft. Lauderdale, FL 33329

American Express  
P.O. Box 650448  
Dallas, TX 75265-0448

Ann Taylor  
P.O. Box 659705  
San Antonio, TX 78265

Bank of America  
P.O. Box 21848  
Greensboro, NC 27420

Bank of America  
P.O. Box 851001  
Dallas, TX 75285-1001

Belk  
P.O. Box 981084  
El Paso, TX 79998-1492

Bloomington  
P.O. Box 183083  
Columbus, OH 43218

Capital One  
P. O. Box 71083  
Charlotte, NC 28272-1083

Lexus Financial Services  
P.O. Box 8026  
Cedar Rapids, IA 52409

Macy's  
P.O. Box 183083  
Columbus, OH 43218

Nordstrom  
P.O. Box 6564  
Englewood, CA 80155

Saks Fifth Avenue  
P.O. Box 5224  
Carol Stream, IL 60197

USAA (Master Chg.)  
P.O. Box 65020  
San Antonio, TX 78265

Wells Fargo  
P.O. Box 660455  
Dallas, TX 75266

WFNNB  
P.O. Box 182125  
Columbus, OH 43218